

REMARKS

Claims 1-13 are pending in this application.

The examiner is requested to favorably reconsider the rejection of claims 4, 5, 8, 11 and 12 under 35 U.S.C. 112, second paragraph as being indefinite in view of the foregoing amendment. The mis-spelling at claim 4 has been corrected. And the remaining listed claims as well as claim 2 have been revised to eliminate the confused recitation of a narrower group within a grouping.

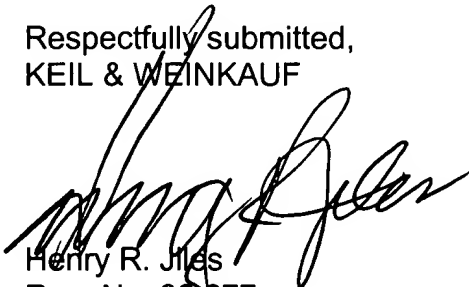
Claims 1-13 stand rejected as being unpatentable under 35 U.S.C. 103(a) over Mayer et al. , Karp et al. Hewett et al. and Kleemann et al. This rejection is traversed. The examiner posits that the cited prior art renders the claimed invention *prima facie* obvious and that no showing of unexpected results is presented. The applicants concede that the prior art raises a presumption of obviousness and refers to the comparative test data in the specification. The object of the present invention is to expand the efficacy of the herbicidal compounds of formula I. Heretofore, the application of herbicidal compounds of formula I has required an economically high dosage. The results reported in the applicants' specification at Tables I and II show that the formulations according to the applicants' invention show a clear increase in activity in comparison with the unformulated herbicide. This increase is most pronounced (4x) with the cyclodextrin granules K, which control Alopecurus and Galium at 60 g/ha while 240 g/ha are required with the unformulated technical TTP dispersion in acetone. These results are unexpected.

In view of the foregoing amendment, the comparative test data in the specification and the remarks, the applicants urge that the invention claimed herein is patentable and a notice of allowance is solicited.

**A check in the amount of \$110.00 is attached to cover the required one month extension fee.**

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
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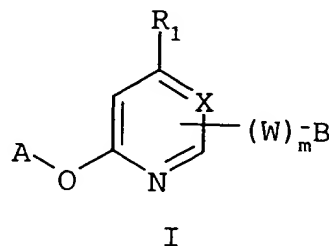
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Amend claims 1-13 to read as follows:

1. (amended) A method of increasing the efficacy of a herbicidal compound of formula I



wherein

A and B each independently represent a phenyl, pyridyl, pyrazolyl or thienyl ring being optionally substituted by one or more halogen atoms, alkyl, haloalkyl or haloalkoxy groups;

[R1]  $R_1$  represents a hydrogen or halogen atom or an alkyl or alkoxy group;

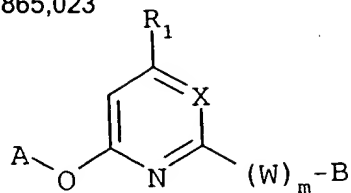
X represents CH or N;

W represents -O-, -OCH<sub>2</sub>- or -CONH-, and

m is 0 or 1

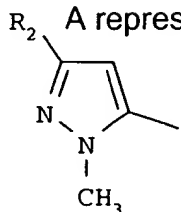
which comprises applying an effective amount of said herbicidal compound directly to the soil in the form of a solid granule or powder which contains said herbicidal compound and at least one inert solid carrier.

2. (amended) The method according to claim 1 wherein said herbicidal compound I has the structural formula IA

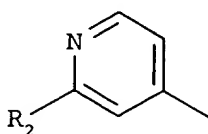


wherein

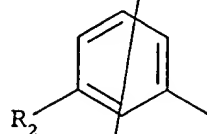
A represents a group of formula a, b, c or d:



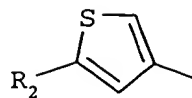
or



or



or



wherein [R2]  $\underline{R}_2$  is a halogen atom or a [C1-3]  $\underline{C}_{1-3}$  haloalkyl or [C1-3]  $\underline{C}_{1-3}$  haloalkoxy group [most preferred a chlorine atom, or a trifluoromethyl, pentafluoroethyl, trifluoromethoxy or difluoromethoxy group].

3. (amended) The method according to claim 2 wherein

A and B each independently represent a phenyl being optionally substituted by one or more halogen atoms, alkyl, haloalkyl or haloalkoxy groups;

[R1]  $\underline{R}_1$  represents a hydrogen or halogen atom or an alkyl or alkoxy group;

X represents CH or N; and

W represents -CONH-, and

m is 1.

4. (amended) The method according to claim 3

wherein the herbicidal compound IA is selected from the group consisting of

[2', 4'-difluoro-2-( $\alpha, \alpha, \alpha$ -trifluoro-m-tolyloxy)-nicotinamide] 2', 4'-difluoro-2-( $\alpha, \alpha, \alpha$ -trifluoro-m-tolyloxy)-nicotinamide (diflufenican);

N-(4-fluorophenyl)-6-[3-trifluoromethyl)phenoxy]-2-pyridine carboxamide (picolinafen),

and

4-(3-trifluoromethylphenoxy)-2-(4-trifluoromethylphenyl)-pyrimidin (TTP).

5. (amended) The method according to claim 1 wherein said solid carrier is selected from the group consisting of [clays such as] kaolin or bentonite, silica, inorganic salts, polyvinylpyrrolidone, polyvinylacetate, cyclodextrin, sugar and mixtures or co-polymers thereof.

6. (amended) The method according to claim 1 wherein the solid granule or powder comprises about

- (a) 0.1 to 100 g/kg of a herbicidal compound of formula I; and
- (b) 900 to 999.9 g/kg of at least one inert solid carrier, and optionally at least one solid auxiliary.

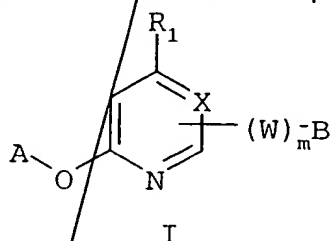
7. (amended) The method according to claim 1 wherein the compound of formula I is admixed with a second active compound which is selected from the group consisting of

acifluorfen, aclonifen, alachlor, alloxydim, ametryn, amitrole, anilazine, anilofos, asulam, atrazine, azinphos-methyl, benazolin, benfluralin, benfuresate, bensulide, bentazone, benzofenap, bifenox, bromacil, brombutide, bromoxynil, butachlor, butamifos, butenachlor, butylate, carfentrazone-ethyl, chloramben, chlorbromuron, chlorbufam, chlorimuron, chlornitrofen, chlorotoluron, chlorthiamid, cinmethylin, clomozone, clopyralid, cyanazine, cycloate, 2,4-D, daimuron, desmetryn, dicamba, dichlobenil, dichloroprop-P, diclofop-methyl, dimefuron, dimepiperate, dimethachlor,

demethatryn, [dimehtenamid] dimethenamid, dinitramine, dinotrerb,  
 dithiopyr, esprocarb, ethafluralin, ethofumesate, ethoxyfen-ethyl, fenoxaprop, fenuron,  
 flamprop-M-isopropyl, flamprop-M-methyl, fluazifop, fluchloralin, flufenacet, flumioxazin,  
 fluometuron, fluoroglycofen, flupoxam, fluridone, flurochloridone, flurprimidol,  
 flurtamone, fluthiacet-methyl, fomesafen, glufosinate, haloxyfop, ioxynil, isoxaflutole,  
 lactofen, linuron, mecoprop, mecoprop-P, mefenacet, metazachlor, metobenzuron,  
 metobromuron, metolachlor, metoxuron, monolinuron, naproanilide, napropamide,  
 naptalam, norflurazon, orbencarb, oxadiazon, oxyfluorfen, pebulate, pendimethalin,  
 picloram, pretilachlor, prodiamine, prometron, prometryn, propachlor, propanil,  
 propisochlor, propyzamide, prosulfocarb, pyrazoxyfen, pyributicarb, siduron,  
 tebuthiuron, terbacil, terbumeton, terbuthylazine, terbutryn, thiazopyr, thiobencarb,  
 [tiocarbazil] thiocarbazil, triallate, triclopyr and trifluralin.

8. (amended) A solid granule which comprises about

- (a) 0.1 to 100 g/kg of at least one herbicidal compound of formula I;

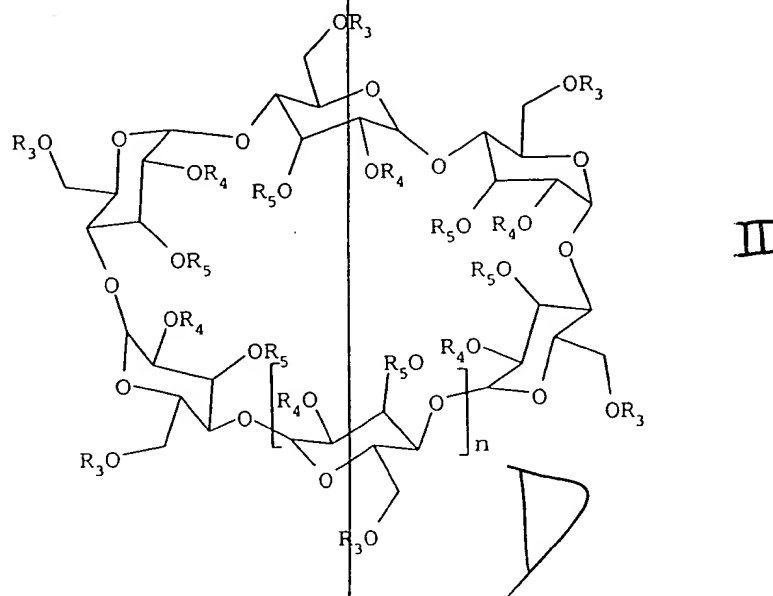


wherein A, B, [R1] R<sub>1</sub>, X, W and m are defined as in claim 1; and

- (b) 900 to 999.9 g/kg of one or more solid carrier selected from the group consisting of granular gypsum, [clays such as ] kaolin or bentonite, polyvinylpyrrolidone, polyvinylacetate, cyclodextrin, sugar and mixtures or co-polymers thereof and

optionally at least one solid auxiliary.

9. (amended) A solid granule according to claim 8, wherein the solid carrier is a cyclodextrin of formula II



wherein

[R3, R4 and R5] R<sub>3</sub>, R<sub>4</sub> and R<sub>5</sub> each independently represent a hydrogen atom or a [C1-4 alkyl, C1-4 alkanoyl or a C1-4 hydroxyalkyl] C<sub>1-4</sub> alkyl, C<sub>1-4</sub> alkanoyl or a C<sub>1-4</sub> hydroxyalkyl group; and

n is 1, 2 or 3.

10. (amended) A solid granule according to claim 8, wherein the solid carrier is a cyclodextrin of formula II, wherein [R3, R4 and R5] R<sub>3</sub>, R<sub>4</sub> and R<sub>5</sub> each represent a hydrogen atom and n is 2.

11. (amended) A solid granule according to claim 8, which comprises

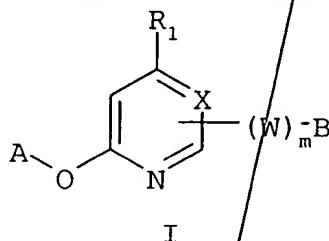
(b1) 50 to 250 g/kg of one or more cyclodextrin of formula II; and

A

- (b2) 650 to 949.9 g/kg of one or more solid carrier selected from the group consisting of granular gypsum, [clays such as ] kaolin or bentonite, silica, inorganic salts, polyvinylpyrrolidone, polyvinylacetate, sugar and mixtures or copolymers thereof and optionally at least one solid auxiliary.

12. (amended) A method for the control of undesired weeds at a locus which comprises treating said locus with a solid granule which consists essentially of

- (a) 0.1 to 100 g/kg of at least one herbicidal compound of formula I;



wherein A, B, [R1]  $\underline{R}_1$ , X, W and m are defined as in claim 1; and

- (b) 900 to 999.9 g/kg of one or more solid carrier selected from the group consisting of granular gypsum, [clays such as] kaolin or bentonite, polyvinylpyrrolidone, polyvinylacetate, cyclodextrin, sugar and mixtures or co-polymers thereof and optionally at least one solid auxiliary.

13. (amended) A method according to claim 12 wherein said weeds are [Galium spp. or Alopecurus spp.] Galium spp. or Alopecurus spp.